

EXHIBIT “2”

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GERALD I. GILLOCK & ASSOCIATES
428 South 4th Street
Las Vegas, Nevada 89101

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16 Telephone: (702) 820-4000
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Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

20 MORGAN FREEMAN,

21 Plaintiff,

22 v.

23 ALBERTSON'S, LLC, d/b/a ALBERTSON'S
24 a Foreign Limited-Liability Company; DOE
25 MAINTENANCE EMPLOYEES I-V; DOE
26 EMPLOYEES I-V; DOE JANITORIAL
27 EMPLOYEES I-V; DOE OWNERS I-V; ROE
28 OWNERS I-V; ROE EMPLOYER; and ROE
COMPANIES, I-X, inclusive,

Defendant.

CASE NO.: A-21-839051-C

DEPT. NO.:

GERALD I. GILLOCK & ASSOCIATES
428 South 4th Street
Las Vegas, Nevada 89101

SUMMONS - CIVIL

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT:


ALBERTSON'S, LLC, d/b/a ALBERTSON'S

A civil Complaint has been filed by the Plaintiff against you for relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served to you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fees;
 - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff, and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission member and legislators, each have 45 days after service of this Summons within which to file an answer or other responsive pleading to the Complaint.

DATED this 5th day of August, 2021.

<p>Issued at the Request of:</p> <p>By: <u>/s/ Michael H. Coggeshall</u> GERALD I. GILLOCK, ESQ. Nevada Bar No. 51 MICHAEL H. COGGESHALL, ESQ. Nevada Bar No. 14502 GERALD I. GILLOCK & ASSOCIATES 428 South Fourth Street Las Vegas, NV 89101</p> <p><i>Attorneys for Plaintiff</i></p>	<p>CLERK OF COURT: STEVEN D. GRIERSON</p> <p>By:  <u>8/5/2021</u> DEPUTY CLERK DATE</p> <p>Regional Justice Center 200 Lewis Avenue Las Vegas, NV 89155</p> <p>Demond Palmer</p>
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CLERK OF THE COURT



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CASE NO: A-21-839051-C
Department 20

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Telephone: (702) 820-4000
Facsimile: (702) 820-4444
Attorneys for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MORGAN FREEMAN,

Plaintiff,

CASE NO.:
DEPT. NO.:

v.

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

ALBERTSON'S, LLC, d/b/a ALBERTSON'S
a Foreign Limited-Liability Company; DOE
MAINTENANCE EMPLOYEES I-V; DOE
EMPLOYEES I-V; DOE JANITORIAL
EMPLOYEES I-V; DOE OWNERS I-V; ROE
OWNERS I-V; ROE EMPLOYER; and ROE
COMPANIES, I-X, inclusive,

ARBITRATION EXEMPTION CLAIMED:
CLAIMS IN EXCESS OF \$50,000.00

Defendants.

GERALD I. GILLOCK & ASSOCIATES
428 South 4th Street
Las Vegas, Nevada 89101

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428 South 4th Street
Las Vegas, Nevada 89101

1 COMES NOW, Plaintiff, MORGAN FREEMAN, by and through her attorneys of record,
2 the law offices of GERALD I. GILLOCK & ASSOCIATES, O'REILLY LAW GROUP, LLC, and
3 SAM & ASH, LLP and for her causes of action against the Defendants, and each of them, alleges as
4 follows:
5

6 **I.**
7 **PARTIES**

8 1. That Plaintiff, MORGAN FREEMAN is, and was at all relevant times hereto, a
9 resident of the State of Nevada, County of Clark.

10 2. Upon information and belief, at all times relevant to this action, Defendant
11 ALBERTSON'S, LLC, d/b/a ALBERTSON'S, is a foreign Limited-Liability Company licensed to
12 do business in the State of Nevada and was doing business in the County of Clark, State of Nevada.

13 3. Upon information and belief, that at all times relevant to this action, Defendants
14 DOE OWNER, ROE OWNER, ROE EMPLOYER, and ROE COMPANY is a resident of Clark
15 County, Nevada or an entity licensed to do business in the State of Nevada and was doing business
16 in the County of Clark, State of Nevada.

17 4. Upon information and belief DOE EMPLOYEE, DOE MAINTENANCE
18 EMPLOYEE, and DOE JANITORIAL EMPLOYEE was at all times relevant to this action a
19 resident of Clark County, Nevada, and was acting within the course and scope of their employment
20 for Defendant ALBERTSON'S and/or DOE OWNER and/or ROE OWNER and/or ROE
21 EMPLOYER and/or ROE COMPANY.
22

23 5. Upon information and belief ALBERTSON'S and/or DOE OWNER and/or ROE
24 OWNER is the owner of the property located at 1940 Village Center Circle, Las Vegas, NV 89134
25 and is a resident of Clark County, Nevada or an entity licensed to do business in the State of
26
27
28

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428 South 4th Street
Las Vegas, Nevada 89101

1 Nevada. ALBERTSON'S operated the property located at 10140 W. Flamingo Road, Las Vegas,
2 NV 89147.

3 6. Upon information and belief ROE EMPLOYER employs Defendants, and each of
4 them, is a Nevada Corporation and/or a foreign corporation licensed to do business in Nevada and
5 was directing the actions of DOE MAINTENANCE EMPLOYEE and/or DOE EMPLOYEE and/or
6 DOE JANITORIAL EMPLOYEE at the time of the incident described herein.
7

8 7. That the true names and capacities, whether individual, corporate, associate, or
9 otherwise of Defendants DOE MAINTENANCE EMPLOYEE, I-V; DOE EMPLOYEE, I-V; DOE
10 JANITORIAL EMPLOYEE, I-V; DOE OWNER, I-V; ROE OWNER, I-V; ROE EMPLOYER;
11 and ROE COMPANIES, I-X, inclusive, are unknown to Plaintiff who therefore sues those
12 Defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that
13 each of the Defendants designated herein as DOE and ROE are responsible in some manner for the
14 events and happenings referred to and caused damages proximately to Plaintiff as herein alleged,
15 and that Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and
16 capacities of DOES and ROES, when the same have been ascertained, and to join such
17 Defendant(s) in this action.
18

19
20 8. At all relevant times, Defendants, and each of them, were the agents, ostensible
21 agents, servants, employees, employers, partners, co-owners and/or joint venturers of each other
22 and of their co-defendants, and were acting within the color, purpose and scope of their
23 employment, agency, ownership and/or joint ventures and by reason of such relationships the
24 Defendants, and each of them, are vicariously and jointly and severally responsible and liable for
25 the acts and/or omissions of their co-Defendants.
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II.
JURISDICTION AND VENUE

9. The Court has jurisdiction in this case because damages exceed \$15,000, Defendants conduct business in Clark County, Nevada or are residents of Clark County, Nevada, and Defendants negligently injured Plaintiff in Clark County, Nevada.

10. Upon information and belief, the Court has jurisdiction over DOE and ROE Defendants because they engaged in business or acted in Nevada in a manner sufficient to establish personal jurisdiction

11. Venue is proper in this judicial district because the case arises from incidents occurring in this district

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III.
GENERAL ALLEGATIONS

12. On September 2, 2019, Ms. Freeman was shopping at the Albertson's grocery store on Flamingo Road in Las Vegas, Nevada.

13. While shopping, Ms. Freeman was walking near a seafood freezer when, suddenly and without warning, she slipped and fell on a wet substance.

14. Ms. Freeman described the substance as extremely slippery, and smelling like fish.

15. Ms. Freeman, after slipping, was now covered in the substance, in pain, and on the ground.

16. The manager of the Albertson's, Michael Calamia, saw the fall and rushed to Ms. Freeman's assistance.

17. As a result of this fall, Ms. Freeman suffers from frequent and painful headaches, low back pain, left knee medial meniscus tear, left ankle pain and left foot pain.

18. Further, Ms. Freeman had to undergo a left knee arthroscopy and debridement of a

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Las Vegas, Nevada 89101

1 meniscal tear as well as left hindfoot arthroscopy for synovitis and inflammation in her subtalar
2 joint.

3 19. That upon information and belief, Defendants, ALBERTSON'S and/or DOE
4 MAINTENANCE EMPLOYEE and/or DOE EMPLOYEE and/or DOE JANITORIAL
5 EMPLOYEE and/or DOE OWNER and/or ROE OWNER and/or ROE EMPLOYER and/or ROE
6 COMPANY and each of them, were the owners, operators or lessees of the property located at
7 10140 W. Flamingo Road, Las Vegas, NV 89147 (the "Premises") and occupied, operated,
8 maintained or controlled the Premises where it/they actively operated a grocery store.
9

10 20. The Defendants owed Ms. Freeman a duty to keep the premises reasonably safe for
11 its intended use as a grocery store to be visited by members of the public.
12

13 21. Defendants' conduct was negligent for failing to review, supervise, or implement
14 other quality control assurance programs, failing to replace the flooring or provide a non-slip
15 surface and/or slip resistant surface and/or mats in this area, for failing to maintain its refrigeration
16 units, and likewise was negligent in hiring, training and/or supervising the staff who failed to
17 appropriately maintain the refrigeration unit itself, or the area at or near the refrigeration unit where
18 Ms. Freeman was injured and provide a safe environment in order to avoid causing injury to Ms.
19 Freeman.
20

21 22. That Defendants, and each of them, so carelessly and negligently created, owned,
22 controlled, inspected, repaired, serviced, and maintained the refrigeration unit itself and the area at
23 or near the refrigeration unit where Ms. Freeman slipped and/or slid and fell in an improper,
24 negligent and dangerous condition so as to cause Ms. Freeman to fall and sustain injuries and failed
25 to adequately warn Ms. Freeman, and as a proximate result thereof, Ms. Freeman was seriously
26 injured.
27
28

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Las Vegas, Nevada 89101

FIRST CAUSE OF ACTION
NEGLIGENCE

23. Ms. Freeman repeats and realleges all previous paragraphs of this Complaint and incorporates the same as though fully set forth herein.

24. Defendants owed Ms. Freeman a duty of reasonable care in creating, controlling, inspecting, servicing, repairing, and maintaining the floors and coolers in the area where Ms. Freeman slipped in a safe condition and to warn the general public, including Ms. Freeman, of a dangerous condition that existed.

25. Defendants breached the duties they owed to Ms. Freeman by failing to install non-slip or slip-resistant flooring near the area where Ms. Freeman fell.

26. Defendants further breached the duties they owed to Ms. Freeman by negligently owning, controlling, inspecting, repairing, servicing, and maintaining the floors and refrigeration units near where Ms. Freeman slipped and fell.

27. Defendants further breached the duties they owed to Ms. Freeman by negligently failing to warn Ms. Freeman, a foreseeable user of its facilities, of the dangerous condition that existed at the time of the fall.

28. Each of Defendants' breaches was an actual and proximate cause of Ms. Freeman's injuries.

29. Upon information and belief, the incident as described herein was foreseeable to Defendants, and each of them, as Defendants were on notice of a prior incident or incidents involving falls near refrigeration units and in areas where liquid or debris was on the floor and this same or similar flooring was used where Ms. Freeman fell and Defendants knew that the condition of the flooring was such that it was not slip-resistant, was covered in a slippery substance, and

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428 South 4th Street
Las Vegas, Nevada 89101

1 could cause falls if liquids or spills were to occur.

2 30. That as a direct and proximate result of Defendants' negligence, Ms. Freeman
3 incurred past and future general and special damages in excess of \$15,000.

4 31. As a further result of Defendants' negligence, Ms. Freeman has had to retain the
5 services of attorneys in this matter, and therefore seeks reimbursement of attorneys' fees and costs.
6

7 **SECOND CAUSE OF ACTION**
8 **CORPORATE NEGLIGENCE/VICARIOUS LIABILITY**

9 32. Ms. Freeman repeats and realleges all previous paragraphs in this Complaint and
10 incorporates the same as though fully set forth herein.

11 33. ALBERTSON'S and ROE Defendants, had and have a non-delegable duty and are
12 directly and vicariously liable for damages resulting from the negligence of their employees and
13 agents when their negligence occurred during the scope of their employment or agency.

14 34. By and through its employees and agents, Albertson's and ROE Defendants
15 breached their duty of care as described above.
16

17 35. As described above, Albertson's employees or agents breached their duties owed to
18 Ms. Freeman by failing to maintain a non-slip or slip-resistant floor, by failing to maintain the
19 refrigeration unit near where Ms. Freeman fell, and by failing to warn Ms. Freeman of the danger
20 created by the puddle in which Ms. Freeman slipped.
21

22 36. These breaches by Albertson's employees and agents occurred during the course and
23 scope of their employment and agency.

24 37. As direct and proximate result of Defendants' negligence, Ms. Freeman incurred
25 past and future general and special damages in excess of \$15,000.
26

27 ///

38. As a further result of Defendants' negligence, Ms. Freeman has had to retain the services of attorneys in this matter, and therefore seeks reimbursement of attorneys' fees and costs.

THIRD CAUSE OF ACTION **NEGLIGENT HIRING, TRAINING, AND SUPERVISION**

39. Plaintiff repeats and realleges all previous paragraphs in this Complaint and incorporates the same as though fully set forth herein.

40. Albertson's owed a duty of reasonable care to Ms. Freeman to hire, train, and supervise its employees in a manner that would prevent unnecessary harm befalling Albertson's patrons like Ms. Freeman.

41. Albertson's breached its duty to Ms. Freeman by negligently hiring, training, and supervising its employees.

42. Albertson's hired employees to operate its store.

43. Upon information and belief, Albertson's employees were incompetent, inexperienced, and/or reckless in the operation of the store.

44. Albertson's knew, or by the exercise of reasonable care should have known, that its employees were incompetent, inexperienced, or reckless in the operation of the store.

45. Upon information and belief, Albertson's was negligent in its supervision of its employees.

46. Ms. Freeman was injured as a proximate consequence of the negligence and incompetence of Albertson's employees, resulting from the negligent hiring, supervision, and/or training by Albertson's.

47. As a direct and proximate cause of the negligent hiring, supervision, and/or training by Albertson's, Ms. Freeman has sustained past and future general and special damages in excess of

1 \$15,000.

2 48. As a further result of Albertson's negligence, Ms. Freeman has had to retain
3 attorneys in this matter and therefore seeks reimbursement of attorneys' fees and costs.

4 **REQUEST FOR RELIEF**

5 Ms. Freeman requests the following relief from Defendants:

- 6
- 7 1. For general damages in excess of \$15,000;
 - 8 2. For special damages in excess of \$15,000;
 - 9 3. For Ms. Freeman's costs and disbursements of this suit;
 - 10 4. For reasonable attorneys' fees incurred herein, and
 - 11 5. For such and further relief as this Court may deem just and equitable in the premises.
- 12

13 **DEMAND FOR JURY TRIAL**

14 Plaintiff demands a jury trial on all issues so triable and does not waive that right.

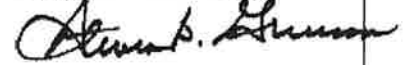
15 DATED this 5th day of August, 2021.

16 **GERALD I. GILLOCK & ASSOCIATES**

17
18 By: /s/ Michael H. Coggeshall
19 GERALD I. GILLOCK, ESQ.
20 Nevada Bar No. 51
21 MICHAEL H. COGGESHALL, ESQ.
22 Nevada Bar No. 14502
23 428 South 4th Street
24 Las Vegas, NV 89101

25 *Attorneys for Plaintiff*

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ANS
LEW BRANDON, JR., ESQ.
Nevada Bar No. 5880
JEFFREY J. ORR, ESQ.
Nevada Bar No. 7854
JUSTIN PASQUALE, ESQ.
Nevada Bar No. 15079
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Attorneys for Defendant,
ALBERTSON'S, LLC d/b/a ALBERTSON'S

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MORGAN FREEMAN,

Plaintiff,

vs.

ALBERTSON'S LLC, d/b/a
ALBERTSON'S a Foreign Limited-Liability
Company; DOE MAINTENANCE
EMPLOYEES I-V; DOE EMPLOYEES I-V;
DOE JANITORIAL EMPLOYEES I-V;
DOE OWNERS I-V; ROE OWNERS I-V;
ROE EMPLOYER; and ROE COMPANIES,
I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

**DEFENDANT, ALBERTSON'S, LLC d/b/a ALBERTSON'S ANSWER TO
PLAINTIFF'S COMPLAINT**

COMES NOW, Defendant, ALBERTSON'S, LLC d/b/a ALBERTSON'S, by and
through its undersigned attorney, LEW BRANDON, JR., ESQ., JEFFREY J. ORR, ESQ., and

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

**BRANDON | SMERBER
LAW FIRM**

JUSTIN PASQUALE, ESQ., of BRANDON | SMERBER LAW FIRM, and hereby answers the Plaintiff's Complaint on file herein as follows:

1. Answering Paragraphs 1, 3, 4, 5, 6, 7, 8, 10, 12, 13, 14, 15, 16, 19, 20 and 21 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

2. Answering Paragraph 2 of Plaintiff's Complaint on file herein, Defendant admits the allegations contained therein.

3. Answering Paragraphs 9, 11, 17 and 18 of Plaintiff's Complaint on file herein, Defendant denies each and every allegation contained therein. Answering Paragraph 22 of Plaintiff's Complaint on file herein, "That Defendants, and each of them, so carelessly and negligently created, owned, controlled, inspected, repaired, serviced, and maintained the refrigeration unit itself and the area at or near the refrigeration unit where Ms. Freeman slipped and/or slid and fell in an improper, negligent and dangerous condition so as to cause Ms. Freeman to fall and sustain injuries", Defendant denies the allegations contained therein. As to "and failed to adequately warn Ms. Freeman", Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same. As to "and as a proximate result thereof, Ms. Freeman was seriously injured", Defendant denies the allegations contained therein.

FIRST CAUSE OF ACTION
NEGLIGENCE

4. Answering Paragraph 23 of Plaintiff's Complaint on file herein, Defendant repeats and realleges each and every allegation contained in Paragraphs 1 through 22 as though fully set forth herein.

1 5. Answering Paragraphs 24 and 27 of Plaintiff's Complaint on file herein, Defendant
2 is without sufficient knowledge or information to form a belief as to the truth or falsity of the said
3 allegations and therefore denies same.

4
5 6. Answering Paragraphs 25, 26, 28, 29, 30 and 31 of Plaintiff's Complaint on file
6 herein, Defendant denies the allegations contained therein.

7 **SECOND CAUSE OF ACTION**
8 **CORPORATE NEGLIGENCE/VICARIOUS LIABILITY**

9 7. Answering Paragraph 32 of Plaintiff's Complaint on file herein, Defendant repeats
10 and realleges each and every allegation contained in Paragraphs 1 through 31 as though fully set
11 forth herein.

12 8. Answering Paragraphs 33, 34, 35 and 36 of Plaintiff's Complaint on file herein,
13 Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity
14 of the said allegations and therefore denies same.

15 9. Answering Paragraphs 37 and 38 of Plaintiff's Complaint on file herein, Defendant
16 denies the allegations contained therein.

17 **THIRD CAUSE OF ACTION**
18 **NEGLIGENT HIRING, TRAINING, AND SUPERVISION**

19
20 10. Answering Paragraph 39 of Plaintiff's Complaint on file herein, Defendant repeats
21 and realleges each and every allegation contained in Paragraphs 1 through 38 as though fully set
22 forth herein.

23 11. Answering Paragraphs 40 and 42 of Plaintiff's Complaint on file herein, Defendant
24 is without sufficient knowledge or information to form a belief as to the truth or falsity of the said
25 allegations and therefore denies same.

26 12. Answering Paragraphs 41, 43, 44, 45, 46, 47 and 48 of Plaintiff's Complaint on file
27 herein, Defendant denies the allegations contained therein.
28

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Defendant alleges that at the time and place alleged in Plaintiff's Complaint, Plaintiff did not exercise ordinary care, caution or prudence for the protection of herself and any damages complained of by the Plaintiff in her Complaint, were directly or proximately caused or contributed to by the fault, failure to act, carelessness and negligence of Plaintiff.

THIRD AFFIRMATIVE DEFENSE

Defendant alleges that the Plaintiff assumed whatever risk or hazard existed at the time of this incident, if any there were, and was therefore responsible for the alleged damage suffered and further that the Plaintiff was guilty of negligence of her own act which caused or contributed to by the fault, failure to act, carelessness or negligence of Plaintiff.

FOURTH AFFIRMATIVE DEFENSE

All the risks and dangers involved in the factual situation described in Plaintiff's Complaint, if any there were, were open, obvious and known to the Plaintiff and by reason thereof, Plaintiff assumed the risks and dangers inherent thereto.

FIFTH AFFIRMATIVE DEFENSE

Defendant alleges that the negligence of the Plaintiff exceeded that of the Defendant, and that the Plaintiff is thereby barred from recovery.

SIXTH AFFIRMATIVE DEFENSE

Pursuant to NRCP 11, as amended: All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing

of Defendant's Answer, and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants.

SEVENTH AFFIRMATIVE DEFENSE

The damages sustained by Plaintiff, if any, were caused by the acts of third persons who were not agents, servants or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and as such, this Defendant is not liable in any matter to the Plaintiff.

EIGHTH AFFIRMATIVE DEFENSE

Defendant at all times relevant to the allegations contained in Plaintiff's Complaint, acted with due care and circumspection in the performance of any and all duties imposed on it.

NINTH AFFIRMATIVE DEFENSE

That it has been necessary of the Defendant to employ the services of an attorney to defend the action and a reasonable sum should be allowed Defendant for attorney's fees, together with costs of suit incurred herein.

TENTH AFFIRMATIVE DEFENSE

Plaintiff has failed to mitigate her alleged damages, and, to the extent of such failure to mitigate any damages awarded to Plaintiff, should be reduced accordingly.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by applicable statutes of limitations.

TWELFTH AFFIRMATIVE DEFENSE

Defendant objects as to authentication, foundation and genuineness of all of Plaintiff's medical providers and documents listed or presented by Plaintiff.

WHEREFORE, Defendant, ALBERTSON'S, LLC d/b/a ALBERTSON'S, prays as follows:

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

BRANDON | SMERBER
LAW FIRM

1. That Plaintiff take nothing by way of her Complaint on file herein;
2. For reasonable attorney's fees and costs of suit incurred herein; and
3. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 24th day of August, 2021.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY J. ORR, ESQ.

Nevada Bar No. 7854

JUSTIN PASQUALE, ESQ.

Nevada Bar No. 15079

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC d/b/a ALBERTSON'S

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BRANDON | SMERBER
 LAW FIRM
 139 E. WARM SPRINGS RD.
 LAS VEGAS, NEVADA 89119
 T. 702.380.0007 | F. 702.380.2964

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on August 24, 2021, I served a copy of the foregoing **DEFENDANT, ALBERTSON'S, LLC d/b/a ALBERTSON'S ANSWER TO PLAINTIFF'S COMPLAINT** through the Court's ECF electronic filing system, upon the following:

GERALD I. GILLOCK, ESQ.

Nevada Bar No. 51

GERALD I. GILLOCK & ASSOCIATES

428 South 4th Street

Las Vegas, Nevada 89101

702-385-1482

Facsimile – 702-385-2604

gillock@gmk-law.com

mcoggeshall@gmk-law.com

TIMOTHY R. O'REILLY, ESQ.

Nevada Bar No. 8866

O'REILLY LAW GROUP, LLC

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ASHLEY M. WATKINS, ESQ.

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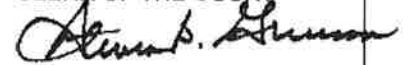
Attorneys for Plaintiff,

MORGAN FREEMAN

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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Steven D. Grierson
CLERK OF THE COURT



1 **IAFD**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **JEFFREY J. ORR, ESQ.**
5 Nevada Bar No. 7854
6 **JUSTIN PASQUALE, ESQ.**
7 Nevada Bar No. 15079
8 **BRANDON | SMERBER LAW FIRM**
9 139 E. Warm Springs Road
10 Las Vegas, Nevada 89119
11 (702) 380-0007
12 (702) 380-2964 – facsimile
13 l.brandon@bsnv.law
14 j.orr@bsnv.law
15 j.pasquale@bsnv.law
16 Attorneys for Defendant,
17 **ALBERTSON'S, LLC d/b/a ALBERTSON'S**

18 **DISTRICT COURT**
19 **CLARK COUNTY, NEVADA**

20 MORGAN FREEMAN,

21 Plaintiff,

22 vs.

23 ALBERTSON'S LLC, d/b/a
24 ALBERTSON'S a Foreign Limited-Liability
25 Company; DOE MAINTENANCE
26 EMPLOYEES I-V; DOE EMPLOYEES I-V;
27 DOE JANITORIAL EMPLOYEES I-V;
28 DOE OWNERS I-V; ROE OWNERS I-V;
ROE EMPLOYER; and ROE COMPANIES,
I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

INITIAL APPEARANCE FEE DISCLOSURE
(NRS CHAPTER 19)

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted
for parties appearing in the above-entitled action as indicated below:

1. ALBERTSON'S, LLC d/b/a ALBERTSON'S, Defendant..... \$223.00

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T. 702.380.0007 | F. 702.380.2964

TOTAL REMITTED..... \$223.00

DATED this 24th day of August, 2021.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY J. ORR, ESQ.

Nevada Bar No. 7854

JUSTIN PASQUALE, ESQ.

Nevada Bar No. 15079

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC d/b/a ALBERTSON'S

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on August 24, 2021, I served a copy of the foregoing **INITIAL APPEARANCE FEE DISCLOSURE** through the Court's ECF electronic filing system, upon the following:

GERALD I. GILLOCK, ESQ.

Nevada Bar No. 51

GERALD I. GILLOCK & ASSOCIATES

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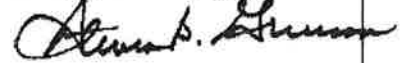
Attorneys for Plaintiff,

MORGAN FREEMAN

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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DMJT
LEW BRANDON, JR., ESQ.
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j.pasquale@bsnv.law
Attorneys for Defendant,
ALBERTSON'S, LLC d/b/a ALBERTSON'S

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MORGAN FREEMAN,

Plaintiff,

vs.

ALBERTSON'S LLC, d/b/a
ALBERTSON'S a Foreign Limited-Liability
Company; DOE MAINTENANCE
EMPLOYEES I-V; DOE EMPLOYEES I-V;
DOE JANITORIAL EMPLOYEES I-V;
DOE OWNERS I-V; ROE OWNERS I-V;
ROE EMPLOYER; and ROE COMPANIES,
I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

DEMAND FOR JURY TRIAL

COMES NOW, Defendant, ALBERTSON'S, LLC d/b/a ALBERTSON'S, by and
through its attorney of record, LEW BRANDON, JR., ESQ., JEFFREY J. ORR, ESQ., and
JUSTIN PASQUALE, ESQ., of BRANDON | SMERBER LAW FIRM, and hereby demands a

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**BRANDON | SMERBER
LAW FIRM**

BRANDON | SMERBER
LAW FIRM
139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
T. 702.380.0007 | F. 702.380.2964

Jury Trial in the above-entitled action.

DATED this 24th day of August, 2021.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY J. ORR, ESQ.

Nevada Bar No. 7854

JUSTIN PASQUALE, ESQ.

Nevada Bar No. 15079

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC d/b/a ALBERTSON'S

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on August 24, 2021, I served a copy of the foregoing **DEMAND FOR JURY TRIAL** through the Court's ECF electronic filing system, upon the following:

GERALD I. GILLOCK, ESQ.

Nevada Bar No. 51

GERALD I. GILLOCK & ASSOCIATES

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Las Vegas, Nevada 89101

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TIMOTHY R. O'REILLY, ESQ.

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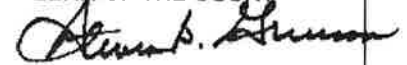
Attorneys for Plaintiff,

MORGAN FREEMAN

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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1 CSRE
2 LEW BRANDON, JR., ESQ.
3 Nevada Bar No. 5880
4 JEFFREY J. ORR, ESQ.
5 Nevada Bar No. 7854
6 JUSTIN PASQUALE, ESQ.
7 Nevada Bar No. 15079
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13 l.brandon@bsnv.law
14 j.orr@bsnv.law
15 j.pasquale@bsnv.law
16 Attorneys for Defendant,
17 ALBERTSON'S, LLC d/b/a ALBERTSON'S

DISTRICT COURT
CLARK COUNTY, NEVADA

MORGAN FREEMAN,

Plaintiff,

vs.

ALBERTSON'S LLC, d/b/a
ALBERTSON'S a Foreign Limited-Liability
Company; DOE MAINTENANCE
EMPLOYEES I-V; DOE EMPLOYEES I-V;
DOE JANITORIAL EMPLOYEES I-V;
DOE OWNERS I-V; ROE OWNERS I-V;
ROE EMPLOYER; and ROE COMPANIES,
I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

**CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILING
PROGRAM**

The undersigned parties hereby consent to service of documents by electronic means through the Court's e-filing program on behalf of the following parties: ALBERTSON'S, LLC d/b/a ALBERTSON'S.

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BRANDON | SMERBER
LAW FIRM

BRANDON | SMERBER
LAW FIRM
 139 E. WARM SPRINGS RD.
 LAS VEGAS, NEVADA 89119
 T. 702.380.0007 | F. 702.380.2964

Documents served by electronic means must be transmitted to the following persons at the e-mail addresses listed: l.brandon@bsnv.law; j.orr@bsnv.law; and j.pasquale@bsnv.law.

It is my understanding that the attachments may be transmitted to the program in any format and will be converted to a PDF file before service is effected.

The undersigned also acknowledges that this Consent does not require service by electronic means unless the serving party elects to do so.

DATED this 24th day of August, 2021.

BRANDON | SMERBER LAW FIRM

/s/ Lew Brandon, Jr., Esq.

LEW BRANDON, JR., ESQ.

Nevada Bar No. 5880

JEFFREY J. ORR, ESQ.

Nevada Bar No. 7854

JUSTIN PASQUALE, ESQ.

Nevada Bar No. 15079

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC d/b/a ALBERTSON'S

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LAW FIRM
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CERTIFICATE OF SERVICE

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GERALD I. GILLOCK, ESQ.

Nevada Bar No. 51

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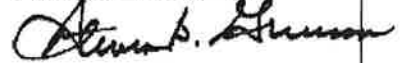
Attorneys for Plaintiff,

MORGAN FREEMAN

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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1 **DSST**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **JEFFREY J. ORR, ESQ.**
5 Nevada Bar No. 7854
6 **JUSTIN PASQUALE, ESQ.**
7 Nevada Bar No. 15079
8 **BRANDON | SMERBER LAW FIRM**
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10 Las Vegas, Nevada 89119
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13 l.brandon@bsnv.law
14 j.orr@bsnv.law
15 j.pasquale@bsnv.law
16 *Attorneys for Defendant,*
17 *ALBERTSON'S, LLC d/b/a ALBERTSON'S*

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 MORGAN FREEMAN,

15 Plaintiff,

16 vs.

17
18 ALBERTSON'S LLC, d/b/a
19 ALBERTSON'S a Foreign Limited-Liability
20 Company; DOE MAINTENANCE
21 EMPLOYEES I-V; DOE EMPLOYEES I-V;
22 DOE JANITORIAL EMPLOYEES I-V;
23 DOE OWNERS I-V; ROE OWNERS I-V;
24 ROE EMPLOYER; and ROE COMPANIES,
25 I-X, inclusive,

26 Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

27 **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1**

28 The undersigned counsel of record for Defendant, ALBERTSON'S, LLC., A
DELAWARE LIMITED LIABILITY COMPANY hereby certifies that to their knowledge,

139 E. WARM SPRINGS RD.
LAS VEGAS, NEVADA 89119
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1 ALBERTSON'S, LLC.'s parent company is Albertson's Holding, LLC., a Delaware limited
2 liability company, and is not publicly traded.

3 There are no other known interested parties other than those identified.

4
5 DATED this 24th day of August, 2021.

6 **BRANDON | SMERBER LAW FIRM**

7 /s/ Lew Brandon, Jr., Esq.

8 **LEW BRANDON, JR., ESQ.**

9 Nevada Bar No. 5880

10 **JEFFREY J. ORR, ESQ.**

11 Nevada Bar No. 7854

12 **JUSTIN PASQUALE, ESQ.**

13 Nevada Bar No. 15079

14 139 E. Warm Springs Road

15 Las Vegas, Nevada 89119

16 *Attorneys for Defendant,*

17 *ALBERTSON'S, LLC d/b/a ALBERTSON'S*

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LAW FIRM
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on August 24, 2021, I served a copy of the foregoing **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1** through the Court's ECF electronic filing system, upon the following:

GERALD I. GILLOCK, ESQ.

Nevada Bar No. 51

GERALD I. GILLOCK & ASSOCIATES

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Las Vegas, Nevada 89101

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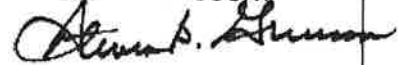
Attorneys for Plaintiff,

MORGAN FREEMAN

/s/ Bonita Alexander

An Employee of Brandon | Smerber Law Firm

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1 **REQT**
2 **LEW BRANDON, JR., ESQ.**
3 Nevada Bar No. 5880
4 **JEFFREY J. ORR, ESQ.**
5 Nevada Bar No. 7854
6 **JUSTIN PASQUALE, ESQ.**
7 Nevada Bar No. 15079
8 **BRANDON | SMERBER LAW FIRM**
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14 j.orr@bsnv.law
15 j.pasquale@bsnv.law
16 *Attorneys for Defendant,*
17 *ALBERTSON'S, LLC d/b/a ALBERTSON'S*

18 **DISTRICT COURT**
19 **CLARK COUNTY, NEVADA**

20 MORGAN FREEMAN,

21 Plaintiff,

22 vs.

23 ALBERTSON'S LLC, d/b/a
24 ALBERTSON'S a Foreign Limited-Liability
25 Company; DOE MAINTENANCE
26 EMPLOYEES I-V; DOE EMPLOYEES I-V;
27 DOE JANITORIAL EMPLOYEES I-V;
28 DOE OWNERS I-V; ROE OWNERS I-V;
ROE EMPLOYER; and ROE COMPANIES,
I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: 20

NRCP 16.1(A)(1)(C) REQUEST FOR COMPUTATION OF DAMAGES AND
DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP 16.1(a)(1)(A)(iii)
REQUEST FOR MEDICAL PROVIDER IDENTITY

Pursuant to NRCP 16.1(a)(1)(C), Defendant, ALBERTSON'S, LLC d/b/a ALBERTSON'S, hereby requests that Plaintiff, MORGAN FREEMAN, provide, within 30 days of this Request, a computation of any and all categories of damages claimed by Plaintiff, including

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T. 702.380.0007 | F. 702.380.2964

1 making available for inspection and copying as under Rule 34 the documents or other evidentiary
2 matter, not privileged or protected from disclosure, on which such computation is based, including
3 materials bearing on the nature and extent of injuries suffered.

4
5 DATED this 24th day of August, 2021.

6 **BRANDON | SMERBER LAW FIRM**

7 /s/ Lew Brandon, Jr., Esq.

8 **LEW BRANDON, JR., ESQ.**

9 Nevada Bar No. 5880

JEFFREY J. ORR, ESQ.

Nevada Bar No. 7854

JUSTIN PASQUALE, ESQ.

Nevada Bar No. 15079

139 E. Warm Springs Road

Las Vegas, Nevada 89119

Attorneys for Defendant,

ALBERTSON'S, LLC d/b/a ALBERTSON'S

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BRANDON | SMERBER
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b), I certify that on August 24, 2021, I served a copy of the foregoing **NRCP 16.1(A)(1)(C) REQUEST FOR COMPUTATION OF DAMAGES AND DISCLOSURE OF SUPPORTING DOCUMENTS AND NRCP 16.1(a)(1)(A)(iii) REQUEST FOR MEDICAL PROVIDER IDENTITY** through the Court's ECF electronic filing system, upon the following:

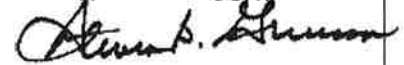
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Attorneys for Plaintiff,
MORGAN FREEMAN

/s/ Bonita Alexander
 An Employee of Brandon | Smerber Law Firm

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Telephone: (702) 820-4000
Facsimile: (702) 820-4444

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MORGAN FREEMAN,

Plaintiff,

v.

ALBERTSON'S, LLC, d/b/a ALBERTSON'S
a Foreign Limited-Liability Company; DOE
MAINTENANCE EMPLOYEES I-V; DOE
EMPLOYEES I-V; DOE JANITORIAL
EMPLOYEES I-V; DOE OWNERS I-V; ROE
OWNERS I-V; ROE EMPLOYER; and ROE
COMPANIES, I-X, inclusive,

Defendants.

CASE NO.: A-21-839051-C
DEPT. NO.: XX

**REQUEST FOR EXEMPTION
FROM ARBITRATION**

GERALD I. GILLOCK & ASSOCIATES
428 South 4th Street
Las Vegas, Nevada 89101

Plaintiff requests this case be exempted from The Court Annexed Arbitration Program pursuant to Nevada Arbitration Rules 3 and 5 because this case:

1. _____ presents a significant issue of public policy;
2. X involves an amount in excess of \$50,000,
exclusive of interest and costs;
3. _____ presents unusual circumstances which constitute good cause
for removal from the program.

STATEMENT OF FACTS

Plaintiff requests this case be exempted from arbitration pursuant to Nevada Arbitration Rules 3 and 5 because Plaintiff's case has a probable jury award value in excess of \$50,000, exclusive of interest and costs, and regardless of comparative liability.

This action arises out of a slip and fall at Albertson's wherein Defendant failed to maintain a safe and dry floor. While Plaintiff was shopping at Albertson's, Plaintiff was walking near a seafood freezer when, suddenly and without warning, she slipped and fell on a wet substance.

Plaintiff suffered immediate pain and as a result of the fall, suffers from frequent and painful headaches, low back pain, left knee medial meniscus tear, left ankle pain and left foot pain.

To date, Plaintiff's past medical specials are at least \$90,802.90. Plaintiff had to undergo a left knee corticosteroid injection and local anesthetic under ultrasound guidance. Plaintiff's leg was then placed into a CAM boot. Due to continued pain, surgery was scheduled and on July 28, 2020, Plaintiff underwent a left knee arthroscopy and debridement of the meniscal tear as well as left hindfoot arthroscopy for the synovitis and inflammation in her subtalar joint.

Plaintiff has a probable jury award value in excess of \$50,000. Accordingly, under NAR 3, this matter is appropriately exempted from the Court Annexed Arbitration Program. Copies of all of Plaintiff's medical records and bills will be provided upon request.

I hereby certify, pursuant to NRCP 11, this case to be within the exemption marked above and am aware of the sanctions which may be imposed against any attorney or party who attempts to remove a case from the arbitration program without good cause or justification.

DAMAGES

1.	Desert Springs Hospital Medical Center	\$3,442
2.	Hess Rehab & Chiropractic Centers	\$2,202
3.	Pacific West Health Center-Los Angeles	\$2,760
4.	Shin Imaging Center	\$3,600
5.	James Reid, M.D.	\$22,116
6.	MD Orthopedics Inc.	\$8,216.35
7.	Abraham Ishaaya, M.D.	\$3,870
8.	Culver City Surgical Specialists, Inc.	\$40,214.30
9.	Hussam Antoin, M.D. AMC	\$3,250
10.	Future Medical Specials	TBD
11.	General Damages	TBD but at least \$100,000
	TOTAL	\$189,670.65

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CERTIFICATION OF ATTORNEY

I hereby certify pursuant to N.R.C.P. 11 this case is included within the exemption(s) marked above and am aware of the sanctions which may be imposed against any attorney or party who without good cause or justification attempts to remove a case from the arbitration program.

I further certify pursuant to NRS Chapter 239B and NRS 603A.040 that this document and any attachments thereto do not contain personal information including, without limitation, home address/phone number, social security number, driver's license number or identification card number, account number, PIN numbers, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

DATED this 26th day of August, 2021.

GERALD I. GILLOCK & ASSOCIATES

By: /s/ Michael H. Coggeshall

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August, 2021, I served a true and correct copy of the above and foregoing ***REQUEST FOR EXEMPTION FROM ARBITRATION*** via the Court's electronic system upon all electronic service list recipients.

/s/ Gaby Chavez
An Employee of GERALD I. GILLOCK & ASSOCIATES

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